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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 23, 1994

OFFICE OF
THE CHAIRMAN

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Honorable Alfonse M. D'Amato
United States Senate
520 Hart Senate Office Building
Washington, D.C. 20510-3202

Dear Senator D'Amato:

Thank you for your letter of November 24, 1993, to then-Chairman James Quello concerning the Commission's Notice of Proposed Rulemaking in PR Docket No. 93-61, to develop regulations for Automatic Vehicle Monitoring (AVM) systems. In your letter, you express concern that our proposed licensing plan for AVM systems will not result in the most effective use of the 902-928 MHz band for the development of Intelligent Vehicle Highway Systems (IVHS). You urge that we delay action in this proceeding until the Department of Transportation completes a study regarding the use of the 902-928 MHz band for IVHS.

AVM systems are currently licensed on a shared basis in the 902-928 MHz band under interim rules adopted in 1974. Under these rules, AVM systems are only licensed in two sub-bands, 904-912 MHz and 918-926 MHz. In PR Docket No. 93-61 we proposed to license AVM systems on a non-exclusive (i.e., shared) basis throughout the 902-928 MHz band. Research by the staff, however, and some comments from the industry indicated that different types of AVM systems may have difficulty co-existing with one another. We proposed, therefore, to divide the 902-928 MHz band into five sub-bands: 902-904 MHz, 904-912 MHz, 912-918 MHz, 918-926 MHz, and the 926-928 MHz. We also proposed to divide AVM systems into two system categories: wideband and narrowband. Under our proposal, wide-band systems would be licensed on a non-exclusive basis in the 904-912 and 918-926 MHz bands and narrow-band systems would be licensed on a non-exclusive basis in the remaining three sub-bands.

We agree with your observation that shared use of the spectrum would benefit the public by permitting a wider variety of services and greater competition than exclusive spectrum assignments. Our proposal thus provided for unlimited sharing among AVM licensees, both wideband and narrowband, within each of their designated sub-bands. We believe also, that our proposal provides a sufficient amount of spectrum to the various types of AVM system providers, including those offering IVHS services.

The number and diverse nature of the various users of the 902-928 MHz band makes this an especially complex proceeding and we would ordinarily welcome any information, such as the study to be conducted by the Department of Transportation, that could assist us in determining the most beneficial licensing scheme for the 902-928 MHz band. A number of commenters in this proceeding, including manufacturers of wide-band systems, narrow-band systems, and part 15 devices, however, have indicated that delaying implementation of

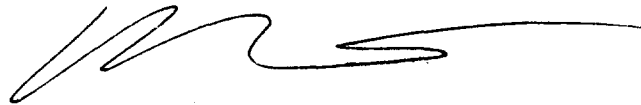
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permanent rules for this service could jeopardize further use of this band by all of these entities because of regulatory uncertainty. We also note that the Department of Transportation has filed comments in this proceeding, as have many commenters involved in developing products for use in Intelligent Vehicle Highway Systems.

My fellow Commissioners and I share your interest in promoting a competitive environment in which a wide variety of AVM services and technologies can evolve and effectively serve the public. While I do not want to prejudge the Commission's decision in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

I thank you again for your interest in this matter and hope that you will continue to share your thoughts and suggestions with me on this or any other matter of concern to you.

Sincerely,

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke at the end, identifying Reed E. Hundt.

Reed E. Hundt
Chairman

ALFONSE M. D'AMATO
NEW YORK

United States Senate
WASHINGTON, DC 20510-3202

November 24, 1993

The Honorable James Quello
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Chairman Quello:

I am concerned over the Commission's pending rulemaking proceeding on Automatic Vehicle Monitoring (AVM) services, PR Docket 93-61. This rule to segregate the 902-928 MHz band into separate "wide-band, pulse-ranging" and "narrow-band" AVM systems will hinder progress toward meeting the goals of the Intelligent Vehicle Highway Systems (IVHS) Act of 1991. AVM is also known as the LMS - Location and Monitoring Service.

The proposed rule, in an effort to reduce interference, reduces competition by limiting LMS providers in a geographic region. This narrows the options available to the regional government entities (Highway, Bridge, and Port Authorities, etc.) that will use these services. In contrast, the existing "shared spectrum" approach within this band maintains increased competition, which, in turn, provides users with cost-effective, performance-based choices. This also encourages users to solve interference problems through technical innovation and cooperation.

On November 3, my staff attended a Department of Transportation (DOT) tutorial on the IVHS communications plans held at the FCC. These plans include a DOT solicitation for IVHS communications alternatives. One of the technical issues this contract will address is the equitable distribution of the 902-928 MHz spectrum for LMS.

At a minimum, the FCC should wait for the completion of this DOT communications study before making any AVM/LMS rulemaking in the 902-928 MHz band.

Sincerely,

Alfonse D'Amato
Alfonse M. D'Amato
United States Senator

cc: The Honorable Federico F. Peña
U.S. Secretary of Transportation

AMD: kh

*L. Beltrami
please draft
response
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